Does he have the permission of the House for remaining absent from all the sittings of the House during the current Session?

(No hon. Member dissented)

THE DEPUTY CHAIRMAN: Permission to remain absent is granted.

MOTION FOR ELECTION TO THE COCONUT DEVELOPMENT BOARD

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI ARVIND NETAM): Madam Deputy Chairman, I move the following Motion:—

> "That in pursuance of clause (e) of sub-section (4) of section 4 of the Coconut Development Board Act, 1979 (5 of 1979) read with clause (i) of sub-rule (1) of Rule 4 of the Coconut Development Board Rules, 1981, this House do proceed to elect in such manner as the Chairman may direct, one Member from among the Members of the House to be a Member of the Coconut Development Board."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: Statement regarding the Government Business by Shrimati Margaret Alva. She is not here. #ft ^ Hlf t 31R, ^ % ^

श्री चतुरानन मिश्र: हड़ताल मे तो नहीं है?

उपसभापति : कौन सी हड़ताल हो रही हैं?

श्री चतुरानन मिश्र : वह तो हमें नहीं पाता।

THE DEPUTY CHAIRMAN: Some Members are always present in the House from the Treasury Benches, whether they are made Ministers. Syed Sibtey Razi has shifted his seat to this side. Shrimati Jayanti Natarajan is sitting on my right.

DR. BIPLAB DASGUPTA: Ministers are attending but non-Ministers are boycott ing... *(Interruptions)*...

SHRIMATI JAYANTHI NATARAJAN: I am not a Minister.

SHRI SATYA PRAKASH MALAVIYA: You are a Minister in waiting.

SHRI G. SWAMINATHAN: Tomorrow's Minister.

DR. BIPLAB DASGUPTA: Madam, just count the Members.

THE DEPUTY CHAIRMAN: Never mind. It is all right. Some time they would come a little late. Now, Shrimati Jayanti Natarajan.

RE. ATROCITIES AGAINST SCHEDULED CASTES AND OTHER WEAKER SECTIONS

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Madam Deputy Chairman, I would like to draw the attention of the House to a very grave situation that is prevailing in the Southern districts of Tamil Nadu. In Tirunelveli and VOC districts, due to a series of clashes between various sections of the people, there is a state of siege over there. Schools have been closed. People are being. killed on the streets. Buses are not running. Police is completely inactive. Madam, things have been completely shut down. It is if a battle is going on in that area, in the Southern part of the country, unchecked. Madam, it all began on the 31st August, 1995 in a village called Kodiyamkulam, when over 600 police personnel entered the village ..... and attacked the innocent unarmed citizens over there. Most of the men in the village were not there. *(Interruptions).*

SHRI G. SWAMINATHAN (Tamil Nadu): Madam, it is under judicial inquiry.

SHRIMATI JAYANTHI NATARAJAN: I am not saying anything .... *(Interruptions).*

SHRI G. SWAMINATHAN: Madam,

she is bringing here a matter which is *sub judice*.

THE DEPUTY CHAIRMAN: Is it a judicial inquiry or is the matter in court? *(Interruptions).* One second. Every day, I have to mention in this House that we should differentiate between a judicial inquiry and a matter being *sub judice,* in court.

SHRIMATI JAYANTHI NATARAJAN: A retired District Judge has been appointed to conduct a probe. It is the very probe in which we have no confidence. There is no such thing as *sub judice*. What has happened is, these policemen attacked the innocent villagers all of whom belong to a Scheduled Caste ... *(Interruptions).*

SHRI G. SWAMINATHAN: It is a fight between two communities that is going on. *(Interruptions).*

SHRIMATI JAYANTHI NATARAJAN: They have totally looted their houses ..... *(Interruptions).* You do not even know the meaning of *'sub judice'. (Interruptions).* You are not the Chairman. *(Interruptions).*

THE DEPUTY CHAIRMAN: I would tell you one thing. *(Interruptions).* Hon. Members, there is a difference between a judicial inquiry and *sub judice.* A *sub judice* matter is a matter which has been accepted by the Court and the Court is looking into it. A retired Judge is not a Court.

SHRIMATI JAYANTHI NATARAJAN: A retired District Judge.

THE DEPUTY CHAIRMAN: Whether it is 'District' or 'High Court' or 'Supreme Court', it is a Judge. It is a judicial inquiry. This is the difference we should understand. Every day I say, if we put everything under the *sub judice* cover, then what is left for us to discuss? We could close the Parliament and go home. Members of Parliament are agitated over an issue which concerns the backward, Harijan, people who are the weaker sections of the society. If she raises an issue, it is not against anybody. It is against the atrocity. I am sure, as an hon. Member of this House, you will not protect those people who are inflicting such atrocities on poor people. Otherwise, you would not have appointed a judicial inquiry. What is the harm if she has referred to it? Why do you object? Vour picture goes very badly if you object to it.

SHRIMATI JAYANTHI NATARAJAN: Madam, fortunately, I do not need Mr. Swaminathan's permission to raise it in this House. I am in Delhi, not in Madras. Please let me raise it.

Madam, it is a very important issue where the Scheduled Caste and the Scheduled Tribe .... *(Interruptions).*

SHRI G. SWAMINATHAN: One minute. It is a communal clash between two communities. The Government is not involved ..... *(Interruptions).*

SHRIMATI JAYANTHI NATARAJAN: Madam, I should not be interrupted again and again. You have ruled them out. *(Interruptions).*

SHRI G. SWAMINATHAN: I would also request the hon. Member to be careful about this problem. It is a communal problem. *(Interruptions).*

SHRIMATI JAYANTHI NATARAJAN: Madam, I have not finished. I am not yielding.

THE DEPUTY CHAIRMAN: Mr. Swaminathan, we have seen in this House, you have seen in this House ..... *(Interruptions).* Just one second.

SHRI G. SWAMINATHAN: Madam, after she completes, please give a minute for me.

THE DEPUTY CHAIRMAN: Mr. Swaminathan, if some Government is there, whether it is the Central Government or any State Government, if something happens which is not good, which is objectionable, naturally, the complaint is against the Government, not against a vacuum. So she has to say

something about the Government, that under such a Government, such a thing has taken place. Your Government has instituted an inquiry. When the report comes, you take action. But at least let her say what she wants now. She is a Member of this House and she has a right to speak here. The Chairman has permitted her. I have permitted her. I have identified her. Let her speak.

SHRIMATI JAYANTHI NATARAJAN: In fact, my complaint is against the Central Government.

THE DEPUTY CHAIRMAN: You are unnecessarily getting agitated, Mr. Swaminathan. *(Interruptions).*

SHRIMATI JAYANTHI NATARAJAN: What is the Central Government doing watching hundreds of Scheduled Caste people being massacred and killed over there in South India? I want to know what the Home Ministry is doing. *(Interruptions).*

उपसभापति : अभी नहीं, उन्हें बोलने दीजिए । उन्हें बोलने तो दीजिए ।

SHRIMATI JAYANTHI NATARAJAN: I do not know why Mr. Malkani is intervening. I do not even know whether he knows where Kodiankulam is. Madam, in this village, the whole problem was that this was a slightly more prosperous village, where people belonging to the weaker sections, mostly scheduled castes, were doing well. There was a certain amount of prosperity. Therefore, in order to bring them down, this heinous crime was committed. The police went in and in the presence of officers of the Government, in the presence of the senior officials, including the Collector, the houses were looted and they were completely destroyed and property worth two crores of rupees was destroyed over there. Many people were injured in this incident and young girls, old women and little children were beaten up mercilessly by the people—one of the worst cases of atrocities against the Scheduled Castes in the history of this counrty. Then, what happened? To protest against this, to protest against the inaction of the Government, they took out a procession in the Madras city. The people who took out a peaceful procession, were beaten up and action was taken against them. Some newspapers reported that it was done by the police themselves. The Government said that it was done by somebody else. Whatever it was, three persons were killed. Again, an allegation was made against the State police that kerosene was poured into the drinking water well in that village and the entire drinking water supply in that village was completely ruined. This is the situation which is prevailing there. Now, what has happened? Because of the inaction, a judicial probe has been initiated but we have no confidence in this judicial probe. We have no confidence in what is going to come out of the judicial probe because we feel that the miscreants, who are anti-social elements, are taking advantage of the caste clash to exploit the weaker sections cf the society and they are very closely connected with the people very high up in the Government. We, therefore, feel that no justice will be done by the judicial probe so initiated. Anyway, today the State Government has become completely inactive and nothing is happening. It has escalated into a full-scale caste warfare on both sides. Now, everyday, there are stories that people from both the sections are being killed on the streets. Madam, I will show you all the papers that I have got and if you want, you can see the pictures also. *(Interruptions)*

SHRI G. SWAMINATHAN: What is this, Madam? Nobody has been killed in that place. *(Interruptions).* Only a few people have been affected *....(Interruptions)*

SHRIMATI JAYANTHI NATARAJAN: Every day, the pictures are coming out that the people are being killed on the streets and Mr. Swaminathan says that noting is happening. *(Interruptions)*

SHRI G. SWAMINATHAN: Whatever action was possible, has already been taken there. *(Interruptions)*

SHRIMATI JAYANTHI NATARAJAN: Madam, they do not even know whether these things are happening or not. *(Interruptions)*

SHRI G. SWAMINATHAN: It was not the Government at all. It was the upper caste Hindu community fighting against the Scheduled Castes. Madam, allow me to speak. *(Interruptions)* It relates to the law and order problem of Tamil Nadu. The Rajya Sabha is not a place to discuss it. What is this? *(Interruptions)*

SHRIMATI JAYANTHI NATARJAN: Madam, I want to finish my speech by saying one thing. *(Interruptions)* I don't need the permission of the AIADMK Members to complete. The State Government of Tamil Nadu has failed to protect the weaker sections. The State Government has failed to protect the Scheduled Castes and Scheduled Tribes from being attacked and killed. Secondly, the Government has failed to prevent a full-scale caste war from going on in the State and total communal clashes have broken out and the State Government is sitting quiet. By initiating a single judicial probe, how are they going to stop this? They are not going to stop this. Therefore, I would call upon the Central Goverment, I would call upon the Home Minister to send an expert team from the Home Ministry to go into the whole matter. Two districts have become completely paralysed because of the communal clashes. So, I would call upon the Home Minister to order a CBI inquiry into what happened at Kodaikanal, in order to see how the communal flare up can be stopped becuase it is increasing day by day and report to the House. Thank you very much.

SHRI INDER KUMAR GUJRAL: (Bihar) Madam, I am on a point of order. Madam, while intervening from the Chair, you have made a very important observation, and your important observation was that if the matter becomes *sub judice* and the Parliament is so paralysed, what is the Parliament to do? It is exactly a correct question because what is happening to day is on everything the Government takes shelter behind the plea that it is *sub judice.* The other day,.... *(Interruptions)*....

THE DEPUTY CHAIRMAN: No. Members have also gone to the Court.

SHRI INDER KUMAR GUJRAL: One minute. Give me a minute. Smt. Margaret Alva, listen to me, please. Smt. Margaret Alva was responding here to the Hawala thing where politicians are involved. She said, "It is *sub judice."* ....*(Interruptions)*.... Let me complete it. This is a situation which Parliament must take note of, that now a stage has come when we, sitting here, are worried about the Hawala cases against Ministers and others, from this side or that side. We are worried about the nexus of crime and somebody or the other goes to the court and makes some sort of a litigation in public interest or non-public interest and thus paralyses the Parliament. I would urge you, Madam—and your observation is very pertinent and very important—that you kindly take it to a logical end, and the logical end is that Parliament must decide that whenever important issues come up like this, it will be very rarely that it will not be discussed here only becuase somebody has gone to the court on one plea or the other. Thank you.

SHRI G. SWAMINATHAN: Madam, you please allow me to speak for a minute. Only one minute.

THE DEPUTY CHAIRMAN: He has referred to a matter. Let me respond to his point.

SHRI M.A. BABY: Madam, we also associate ourselves with what Gujralji has said. ...*(Interruptions)*...

SHRI SATISH AGARWAL (Rajasthan): Madam, before he disputes the point, I have to make one submission. Madam, this is a very important issue that has been raised by Mr. Gujral. *'Sub judice'* has to be defined somewhere. *'Sub judice'* does not mean that the Parliament can be prohibited from discussing anything. That is never the meaning of *'sub judice'*. I have a practice of 43 years. I also know the mcaing of *'sub judice'*. So, every time a discussion takes place and the matter is pending, the Government comes with the plea that it is *sub judice!* It is not *sub judice* that way. Now what happens, Madam, regarding allotment of gas connections and petrol pumps, this and that? We raise issues against Capt. Satish Sharma and they are agitated. What do we do? We have no power for an adjournment motion. We cannot censure them. We cannot bring a no-confidence motion. What do we do then? You have to make this system effective. Similarly, regarding telecom policy; similarly regarding out-of-turn allotment of houses, when this House docs not take cognizance of out-of-turn allotments and unauthorised allotments, what do we do? Fortunately, now a new Minister has come. He is taking interest in that. A list of 80 Members of Parliament has been given to the Supreme Court and we have received notices from the Supreme Court saying you arc in unauthorised occuptation and so you vacate the house! How am I in an unauthorised occupation of the House? It has been allotted to me by the Ministry, by the Directorate of Estates. Now eighty Members of Parliament have received notices for vacation of the houses. Do I go to the Supreme Court or do I come to the House for seeking protection? So, there are such matters whereby you have to devise some method or amend the rules becuase the Parliamentary institution is not becoming effective for redressing public grievances or our grievances in the House. That is why people go to the court; otherwise, there is no need to go to the court of law so far as Members of Parliament are concerned.

SHRI DEPUTY CHAIRMAN: Okay.

SHRI G. SWAMINATHAN: Madam, I also agree with the observations made by the hon. Member. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: But you are objecting to it.

SHRI G. SWAMINATHAN: The only point I was raising was this. As long as something is in the rules, we raise the matter and say "That is *sub judice"* on a point of order. Suppose it is said that all the matters which are *sub judice* can also be discussed, I will also be one of those who are to speak. There is also a provision in the rules to say that a State matter should not be discussed, but when it was being discussed, then I raised it on a point of order. It is against the rule if somebody is raising, but if the Chair feels that even a State matter can be taken up, then it is up to the Chair and up to the Member. ...*(Interruptions)*... I am not disputing the matter, but the only point is ... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Swaminathan, I will tell you one thing. Let me react to it. ...*(Interruptions)*... Swaminathan, I will allow you one minute.

SHRI G. SWAMINATHAN: Then the whole thing gets side-tracked, Madam.

THE DEPUTY CHAIRMAN: It won't be side-tracked. ...*(Interruptions)*... It won't be side-tracked.

SHRI G. SWAMINATHAN: Plesae allow me to say a few words.

THE DEPUTY CHAIRMAN: One second. Let me react to what Mr. Gujral and Mr. Agarwal said. Please sit down. I will call you. Why they said so was because you were raising it and I differentiated it and very clearly differentiated it when you objected to Jayanthi Natarajan's raising this issue, that it was only an inquiry, and not a matter pending before any court. It is only an inquiry commission.

Secondly, the point which you have made is that it is a State matter. We are the Council of States. There are certain matter like atrocities on Harijans and the weaker sections of the society, atrocities on women and children, flood, etc., which we take up. Flood does not take place in Delhi. It takes place in the States. Tomorrow you may say we cannot discuss it because it is a State matter. You may say we cannot discuss the issue of drought. *{Interruptions)...*

SHRI G. SWAMINATHAN: This is relating to law and order... *{Interruptions)...*

THE DEPUTY CHAIRMAN: Now we have to define it. *{Interruptions)...*

SHRI G. SWAMINATHAN:...Which is a State subject. *{Interruptions)...*

THE DEPUTY CHAIRMAN: Now you are such a senior Member of this House and you understand where we make a demarcation whether it is a State subject or whether it is not a State subject. We are very dear about it. We don't interfere in the functioning of a State Government. That is very clear. But when it comes to the life, safety and security of the weaker sections of the society, the country will not forgive us, who arc sitting over here, if we do not speak about it. *{Interruptions)...*

SHRI G. SWAMINATHAN: The Member is talking of police, the law and order establishment of the State. *{Interruptions)...*

THE DEPUTY CHAIRMAN: We can't just hide behind saying that it is a State subject and keep our eyes closed. *{interruptions)....*

SHRI G. SWAMINATHAN: It is not right. The law and order establishment, the police is under the control of the State Government. You cannot accuse the police officers of having done this and that and of putting insecticides in a well. She has stated so many things. There is no validity. She said that the police went there. *{Interruptions)....*

SHRI SATISH AGARWAL: Mr. Swaminathan, why should you object to Mrs. Jayanthi Natarajan? She hit left and right, both ways. She hit the Central Government also. *{Interruptions)...*

SHRI G. SWAMINATHAN: I personally feci, Madam, that it is not a right thing to say. *{Interruptions)...* She said that they put some insecticides in a well. *{Interruptions)...* Where is the report? *{Interruptions)...* She said that some people died. Who died? *{Interruptions)...* Nobody died. *{Interruptions)...*

SHRI VAYALAR RAVI: The main point is not regarding the State Government. *{Interruptions)...* The main point is regarding the atrocities against the Scheduled Castes and the Scehduled Tribes. *{Interruptions)....*

SHRI G. SWAMINATHAN: We are all friends of that community. *{Interruptions)....*

THE DEPUTY CHAIRMAN: Now, Mr Swaminathan... *{Interruptions)...*

SHRI G. SWAMINATHAN: Madam, allow me only one minute. This is a communal problem between the upper class Hindu and the Scheduled Caste people. It has been going on. *{Interruptions)...* I request Mrs. Jayanthi Natarajan to be careful because this is not the first time that it is happening. *{Interruptions)...* Even during the rule of Kamaraj there was a fighting between the upper class Hindus and the Scheduled Caste people. It is not Government *versus* Scheduled Caste people. That everybody knows. *{Interruptions)...* The police went there. A judicial commission has been appointed. The Ministers went there. *{Interruptions)...* Committees have been appointed. A peace committee has been appointed. We have done everything. *{Interruptions)...*

THE DEPUTY CHAIRMAN: Just one minute. *{Interruptions)...* Order please. *{Interruptions)...* Order.

(Interruptions)... Order, please. *{Interruptions)...*

SHRI G. SWAMINATHAN: Madam, you allow me one minute. *(Interruptions)...* when I heard you patiently, why don't you patiently hear me? *(Interruptions)...* You don't make it one-sided because you don't know what is happening. *(Interruptions)...*

SHRIMATI JAYANTHI NATARAJAN: Madam, ...*(Interruptions)...*

THE DEPUTY CHAIRMAN: Mrs. Jayanthi Natarajan, please order. *(Interruptions)...*

SHRI G. SWAMINATHAN: The intention may be that you want to accuse the Government. You should not speak ...*(Interruptions)...*

THE DEPUTY CHAIRMAN: Okay, Mr. Swaminathan. *(Interruptions)...*

SHRI G. SWAMINATHAN: It is not correct. This is a fight between the upper class Hindus and the Scheduled Caste people. *(Interruptions)...*

THE DEPUTY CHAIRMAN: Just one minute. *(Interruptions)...* Please sit down. *(Interruptions)...*

SHRI G. SWAMINATHAN: The Government is not involved at all. *(Interruptions)...* The Government has appointed a peace committee. The Minister went there. *(Interruptions)...* *Ex gratia* payments were given. *(Interruptions)...*

SHRIMATI* JAYANTHI NATARJAN: The Ministers were not allowed to enter the area. *(Interruptions)...*

THE DEPUTY CHAIRMAN: Now, Mr. Swaminathan, will you please sit down? *(Interruptions)...*

SHRI G. SWAMINATHAN: A judicial commission has been appointed. All these things have been done. *(Interruptions)...* Where is the Government coming in here? The Government has not gone there. *(Interruptions)...*

SHRI GURUDAS DAS GUPTA: Madam, ...

THE DEPUTY CHAIRMAN: I Know you are there. *(Interruptions)...*

SHRI G. SWAMINATHAN: Unnecessarily you are isolating Tamil Nadu when it is happening in every State. This fighting, the Scheduled Castes *versus* the upper class, is going on not only in Tamil Nadu but also in U.P., Bihar and all other northern States. *(Interruptions)...*

THE DEPUTY CHAIRMAN: All right. Please sit down. *(Interruptions)...* Just one minute. *(Interruptions)...* You people please sit quiet and let me run the House. *(Interruptions)...*

SHRI G. SWAMINATHAN: What are you doing about it? *(Interruptions)...* I am not disturbing. I am only saying that the Government is not involved. It is a fight between the two communities and we are trying to create peace. That is what I am saying. *(Interruptions)...*

THE DEPUTY CHAIRMAN: Mr. Swaminathan, please. Even if you think that it is a communal problem between the upper class and the lower class, after 48 years of independence also it is happening. *(Interruptions)...*

SHRI G. SWAMINATHAN: It is happening everywhere. *(Interruptions)...*

THE DEPUTY CHAIRMAN: We have to discuss it in this august body as to how we can solve this problem. You cannot cover it under one pretext or the other. Let us now close that matter. I have other matters.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SYED SIBTEY RAZI): Madam,...

THE DEPUTY CHAIRMAN: Do you still want to say something?

SYED SIBTEY RAZI: Madam, with

your permission, I would like to submit that we cannot deny the fact that there have been excesses against the weaker sections. As you have rightly mentioned, there were excesses against women and children and we have discussed these issues in this House quite often.

Madam, I would like to assure on behalf of the Central Government that we will not be lagging behind in protecting the Scheduled Castes and the Scheduled Tribes as well as the weaker sections of the society. Basically, it is a State matter. Nobody denies that. We also endorse that. We found that in so many States like Uttar Pradesh, Mahasrashtra, Madhya Pradesh, etc., there have been increasing excesses against the weaker sections of the society, particularly women and children.

The case referred to by Shrimati Jayanthi Natarajan is an exclusive case of law and order situation. But, basically the principle which is involved is to give protection to the Scheduled Castes and the Scheduled Tribes. We will definitely look into it. If we find anything which goes beyond the basic principles of our Constitution, we will try to get a report from the Tamil Nadu Government. If the hon. Members agree we can include Tamil Nadu in the list of states where excess were committed. It is not from the law and order point of view. We will be visiting this State very soon. We will try to sit with the law enforcing agencies. We will try to find out as to what has gone wrong and where it has gone wrong and how we can have a better coordination to give protection to the vulnerable sections of the society.

RE: MOVE OF RELIANCE TO WALK OUT FROM BOMBAY STOCK EXCHANGE

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, I seek your permission to raise an issue regarding the present situation in the Bombay Stock Exchange. The development in the Bombay Stock Exchange is a matter of concern, not because it involves the leading corporate house of the country, but, as is well-known, if the depressive condition in the stock market continues, there will be a serious liquidity crisis and it will also affect the interests of the small investors. I am raising this matter from that point of vie*.

My first point is this. Can the largest corporate house of the country, having the largest corpoate holding population, be allowed to play a havoc with the financial system of the country and bring further down the Sensex of the premier Stock Exchange of the country to the great and grim detriment of the national interest? Should the country play soft with corpoate delinquency and allow a corporate house to go scot-free after the illegality that has been perpetrated is well established? I am referring to he threat that is being held out in the Bombay Stock Exchange by the Reliance industry to withdraw enlishtment of its shares and switchover to the National Stock Exchange. Its consequent impact on the economy of the country, particulary on the movement of the share prices, is evident. What is the issue? The issue is very simple. The personal doctor of Mr. Ambani, the Chairman of that Company, who is physiotherapist and who had been of great help to the Chairman of that Company when he suffered a stroke .....

THE DEPUTY CHAIRMAN: Let us not bring in personal issues. I would not allow it.

SHRI GURUDAS DAS GUPTA: I am referring to an incident. It is there in the report of the Bombay Stock Exchange. I am quoting from that. I am quoting from the report of the Bombay Stock Exchange.

MISS SAROJ KHAPARDE: Madam, why is he mentioning his name in the House.

THE DEPUTY CHAIRMAN: Mr. Gupta, ...